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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12

13 UNITED STATES OF AMERICA,) No. CR 12-0274 SBA

14 Plaintiff,)

15 v.) STIPULATION AND ORDER TO

16 SERGIO ALFONSO ESPEJEL,) CONTINUE HEARING ON MOTION TO

17 Defendant.) VACATE AND FOR AN EXCLUSION OF

TIME FROM APRIL 17, 2012 THROUGH

JUNE 6, 2012 FROM CALCULATIONS

UNDER THE SPEEDY TRIAL ACT

18 _____)

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21 The United States filed a Motion to Vacate Magistrate Judge's Order Granting Release

22 on April 17, 2012. This Court set the matter for hearing on May 10, 2012. The parties file this

23 stipulation to continue the Motion to June 6, 2012, which the Courtroom Deputy confirmed is

24 the next available date for a hearing on this Motion. As such, the parties stipulate to set the

25 hearing on the United States' Motion to June 6, 2012. The parties also agree that time is

26 excluded under the 18 U.S.C. § 3161, the Speedy Trial Act, due to delay resulting from a pre-

27 trial motion under Section 3161(h)(1)(D).

28 The defendant agrees that time shall be excluded under the Speedy Trial Act between

STIPULATION AND [PROPOSED] ORDER
CR 12-0274 SBA

1 April 17, 2012 and June 6, 2012 due to delay resulting from any pre-trial motion through the
2 conclusion of the hearing on or other prompt disposition of such matter. 18 U.S.C. §
3 3161(h)(1)(D).

4 SO STIPULATED:

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6 MELINDA HAAG
7 United States Attorney

8 DATED: May 9, 2012

9 /s/
10 CYNTHIA M. FREY
11 Assistant United States Attorney

12 DATED: May 9, 2012

13 /s/
14 GEOFFREY ROTWEIN
15 Attorney for SERGIO ALFONSO ESPEJEL

1 Based upon the stipulation of the parties to continue the hearing on the United States
2 Motion to Vacate Magistrate Judge's Order Granting Release to June 6, 2012,

3 IT IS HEREBY ORDERED that the hearing be continued to June 6, 2012.

4 The Court further finds that time is appropriately excluded under the Speedy Trial Act
5 from April 17, 2012 to June 6, 2012 due to delay resulting from any pre-trial motion
6 through the conclusion of the hearing on or other prompt disposition of such matter.

7 IT IS THEREFORE ORDERED that the time between April 17, 2012 and May 6, 2012
8 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(1)(D).

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11
12 DATED: 5/9/12

13 _____
14 HONORABLE SAUNDRA B. ARMSTRONG
15 United States District Judge